

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CHRISTINA BRANDON, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:04-cv-00754

C & O MOTORS, INC.,

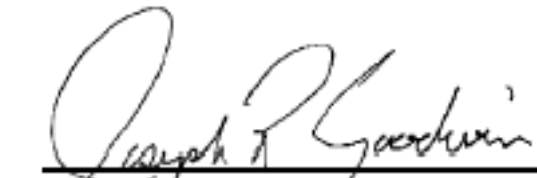
Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is the plaintiff's Motion for Voluntary Dismissal [Docket 23]. In this order, the plaintiff moves this court for an order dismissing her federal Truth in Lending Act claims. The motion also ask this court to decline to exercise supplemental jurisdiction over Plaintiff's state law claims, "thereby dismissing the state law claims without prejudice." The court interprets the plaintiff's motion to be a motion for voluntary dismissal pursuant to Rule 41 of the *Federal Rules of Civil Procedure*. Because the defendant has filed an answer in this matter and the parties have not provided the court with a stipulation of dismissal, Rule 41 instructs that dismissal shall only be granted upon order of this court. The defendant has failed to reply to this motion and it is ripe for decision.

For reasons appear to the court, the plaintiff's motion for voluntary dismissal is **GRANTED**. The plaintiff's Truth in Lending Act claims are dismissed with prejudice, and the remainder of her state law claims are dismissed, pursuant to Rule 41, without prejudice. The court **DIRECTS** the Clerk to send a copy of this Written Opinion and Order to counsel of record and any unrepresented party.

ENTER: April 27, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE